



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE NISSAN
RADIATOR/TRANSMISSION
COOLER LITIGATION

Civil Action No.: 10-CV- 07493(VLB) ✓

Partial
STIPULATION AND ORDER
OF DISMISSAL WITHOUT PREJUDICE
OF NISSAN MOTOR CO., LTD. ONLY ✓

WHEREAS, the initial action in this matter was filed against two defendants, ✓
Nissan North America, Inc. ("NNA") and Nissan Motor Co., Ltd. ("NML"); and

WHEREAS, on or about August 24, 2012, the Plaintiffs filed their Third
Amended and First Consolidated Class Action Complaint which did not include NML as ✓
a Defendant; and

WHEREAS, the Plaintiffs agreed to dismiss NML without prejudice in exchange ✓
for certain agreements on service of discovery previously discussed in the event the
within matter is not finally approved for settlement;

IT IS HEREBY STIPULATED AND AGREED, by and between the
undersigned attorneys for Plaintiffs and Defendants, as follows:

1. NML is hereby dismissed without prejudice as a defendant in the above ✓
captioned matter.

2. In the event that final approval of the settlement in the within matter is not
granted, and litigation in the action proceeds, NML agrees that its counsel will accept ✓
service of any third party subpoena that Plaintiffs may seek to serve on NML.

Notwithstanding this, NML reserves all rights, defenses and objections to such discovery,
except for that based upon invalid service or personal jurisdiction.

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SO ORDERED:

Vincent L. Briccetti

Hon. Vincent L. Briccetti, U.S.D.J.

*Dated: October 9, 2012 ✓
White Plains, NY*